



TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Lands Building Nemingha Room 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

26 JULY 2022

**PAUL BENNETT
GENERAL MANAGER**

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Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors
Quorum: Five members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

- 1 **APOLOGIES AND LEAVE OF ABSENCE**
- 2 **COMMUNITY CONSULTATION**
- 3 **MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 12 July 2022, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARC SUTHERLAND - CLOSING THE GAP STRATEGY AND IMPLEMENTATION PLAN

MOTION

That Tamworth Regional Council commit the necessary resources to develop a comprehensive Closing the Gap Strategy and Implementation Plan that aligns with the National Strategy to overcome inequality between Indigenous and non-Indigenous Australians.

Notice is given that I intend to move the above Motion at the Meeting of the Council to be held on 26 July 2022.

SUPPORTING INFORMATION

Commentary from Cr Marc Sutherland

The National Agreement on Closing the Gap recognises the critical importance of every level of government working in genuine partnership with Aboriginal people and sharing decision making to close the gap. Another feature of the strategy would be to ‘work with state and federal governments in working towards closing the gap.’

Councils are an essential partner in ensuring Closing the Gap initiatives are locally tailored and relevant for each community. Councils already play a vital role in supporting and helping

to steer the development of policies and programs in partnership with Aboriginal communities at the local and regional level.

One of the challenges that local government face is that unlike others our state and federal governments, the Australian Local Government Association does not have a Coalition of Peak Organisation (CAPO) to partner with to develop and implement this Plan. Although the National Coalition of Peaks is developing its own standalone Implementation Plan, we are also in a unique position. Given LGA NSW, Premier and CAPO are the signature and have responsibility of developing an NSW Jurisdictional plan and its delivery through effective and inclusive consultation of first Nations people in NSW.

The Hon Ben Franklin has noted that Tamworth is only one of two towns that have activated Place Based arrangements involving and being co-ordinated by a Coalition of Aboriginal Peak Organisations. I believe that this provides us with a great opportunity to build genuine partnerships with our Aboriginal community to assist in the development of the strategy.

Regarding the outcomes of the strategy my preference would have it all replicate the outcomes on the 5 Priority Reforms. It is important to acknowledge that these priorities have been advocated for, and created by, our Aboriginal community for many years and are now formally endorsed by Aboriginal and Torres Strait Islander People. Those areas and outcomes are;

1) Formal partnerships and shared decisions making

Outcome: Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with Tamworth Regional Council to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.

Target: There will be formal partnership arrangements to support Closing the Gap between Aboriginal and Torres Strait Islander people and Tamworth Regional Council enshrining agreed joint decision-making roles and responsibilities and where Aboriginal and Torres Strait Islander people have chosen their own representatives.

Note: All councils are required to engage their communities in the development of their long-term Community Strategic Plans, to identify local priorities and aspirations. Councils should ensure they consult with local Aboriginal communities as part of ensuring the aspirations of all parts of their community are represented in their plans.

2) Building the community-controlled sector

Outcome: There is a strong and sustainable Aboriginal and Torres Strait Islander community - controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the LGA.

Target: Increase the amount of government funding for Aboriginal and Torres Strait Islander programs and services going through Aboriginal and Torres Strait Islander community-controlled organisations.

Note: Tamworth is only one of two places with based Coalition of Peak Aboriginal Organisations (CAPO) in NSW working together collectively. Our local CAPO is chaired by the Co-Chair of the NSW Government working group. Membership of our local CAPO is made up of all the Aboriginal and Torres Strait Islander community- controlled sector across our LGA.

3) Transforming government organisations

Outcome: Tamworth Regional Council are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through services they fund.

Targets:

- decrease in the proportion of Aboriginal and Torres Strait Islander people who have experiences of racism; and
- increase in the proportion of Aboriginal and Torres Strait Islander to feel culturally safe in dealing with government mainstream institutions and agencies.

Note: This is where our Reconciliation Action Plan would sit. Potentially along with an Aboriginal Workforce, Employment and Retention Strategy, a Cultural Awareness Strategy and an Aboriginal Protocol document, Aboriginal Employment Strategy, procurement policy to name a few.

4) Shared access to data and information at a regional level

Outcome: Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

Target: Increase the number of regional data projects to support Aboriginal and Torres Strait Islander communities to make decisions about Closing the Gap and their development.

Note: This is an opportunity to expand the data sharing across our Aboriginal Community Controlled Organisation. Potentially provide joint training including with private sector and various levels of government on using and interpreting data and expand recruitment of targeted positions in councils from land management and heritage areas to also include data.

5) Employment, business growth and economic development

Outcome: Aboriginal and Torres Strait Islander people across our LGA are empowered to access pathways through education, training and employment that align with their aspirations, and Aboriginal and Torres Strait Islander businesses grow and flourish.

Target: An increase in jobs and pathways to employment, and an integrated approach to procurement across Tamworth Regional Council.

Note: Increase demand for goods and services provided by Aboriginal businesses and employees especially through a procurement policy/strategy, support Aboriginal businesses to grow and support employment and training pathways.

In line with the 5 Priority reform areas, I ask for formal commitment of Tamworth Region Council to actively work with our local CAPO and the NSW Government to progress a new Place-based Partnership Trial which has been afforded to Tamworth once consultation with the community has been finalised and an Initiative identified.

Cr Marc Sutherland

20 July 2022

Commentary from the General Manager

In 2020, the Australian Local Government Association (ALGA) became a co-signatory to a landmark agreement that marks a new chapter in the national effort to close the gap between Indigenous and non-Indigenous Australians.

At the heart of the National Agreement on Closing the Gap Partnership, there are four agreed priority reform targets and 16 socio-economic targets in areas including education, employment, health and wellbeing, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages.

As the level of government closest to the people, local government plays an essential role in supporting and helping to steer the development of policies and programs in partnership with local Indigenous peoples that address these priorities at the local and regional level.

Any work undertaken by Council in relation to this motion will draw heavily on the work already undertaken by ALGA in developing their own Implementation Plan as one of the Parties to the Agreement, along with information and guidance notes provided by the Office of Local Government in NSW. This initiative is about developing a strategy and action plan specifically designed to focus on our own aspirations as a community in Closing the Gap.

The National Agreement is centred on four priority reforms to shift the way governments work with Aboriginal and Torres Strait Islander people. NSW has developed a fifth priority reform on employment, business growth and economic prosperity.

The National Agreement for Closing the Gap contains 17 socio-economic targets across education, employment, health and wellbeing, justice, safety, housing, land and waters, languages and digital inclusion.

The Five Priority Reforms (including the NSW-specific reform)

Priority Reform One: Formal Partnerships and Shared Decision Making

This priority reform is about genuine partnership between governments and Aboriginal people, to share decision making on policies and programs impacting their lives.

Priority Reform Two: Building the Community Controlled Sector

This priority reform is about increasing services delivered through the Aboriginal and Torres Strait Islander community-controlled sector, recognising these organisations usually achieve better results, employ more Aboriginal people and are often preferred over mainstream services.

Priority Reform Three: Transforming Government Organisations

This priority reform is about changing the way government works to eliminate racism, embed cultural safety, deliver services in partnership, increase transparency and accountability of funding, and support Aboriginal engagement and culture.

Priority Reform Four: Shared Access to Data and Information at a Regional Level

This priority reform is about sharing local data and information with Aboriginal communities and organisations. It enables decision making to drive community-led priorities.

NSW-specific Priority Reform Five: Employment, Business Growth and Economic Prosperity

This priority reform is focused on growing partnership with the Aboriginal business sector by expanding opportunities for businesses to deliver government contracts. It recognises Aboriginal businesses are vehicles of self-determination, driving positive employment, training and broader social outcomes.

The work already undertaken at the National and State Government level, along with the commitment by ALGA, provides a tremendous platform for Tamworth Regional Council to develop and adopt a specifically tailored Closing the Gap Strategy and Implementation Plan for our region. This initiative strongly reflects Council's community Vision Statement and our

commitment under Blueprint 100 to “Celebrate our Cultures and Heritage”. A Closing the Gap Strategy will also extend and complement our Reconciliation Action Plan and provide a strong basis for broader community engagement to address each of the five priority reforms.

I believe that if this Notice of Motion is successful it will demonstrate a commitment on behalf of the Tamworth Regional community that decision-making at the local government level will fundamentally consider strategies and actions that improve the lives and prospects of First Nations people.

A further report to Council will be required to approve the required funding once the initial investigations and planning is completed.

General Manager, Paul Bennett

20 July 2022

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 CLASSIFICATION OF ROADS FOLLOWING COMPLETION OF THE NAMOI RIVER CROSSING PROJECT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Graeme McKenzie, Manager, Strategy, Assets and Design

Reference: Item 12.3 to Ordinary Council 26 May 2020 - Minute No 146/20

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Classification of Roads following Completion of the Namoi River Crossing Project”, Council approves the reclassification of the roads as State, Regional and Local as set out in the body of this report.

SUMMARY

With the construction of the Manilla Low Level Bridge, an opportunity exists to adopt a new alignment for Main Road 63 (MR63), which includes the new bridge and roadworks associated with the project.

Adopting this new alignment for MR63 then necessitates changes in road classification of existing roads to ensure continuity and connection of Regional Roads to MR63 and reclassification of roads on the old alignment of MR63 to Local roads.

Council will not be adversely financially impacted by adopting this as a result of the funding mechanisms described in the report.

COMMENTARY

General Description and Background

Funding was awarded by the NSW Government in 2019 for Tamworth Regional Council (Council) to construct an approximately one kilometre long detour of the existing bridge over the Namoi River in Manilla to improve the safety of all road users and to reduce the time and cost of freight movements along MR63.

The new bridge is located approximately 400 metres east of the existing crossing. The new bridge crosses the Namoi River within the Arthur Street road reserve, with the approaches connecting to MR63 at Market Street in the south, and Rowan Street in the north. Refer to Figure 1 below for a map showing the bridge location.

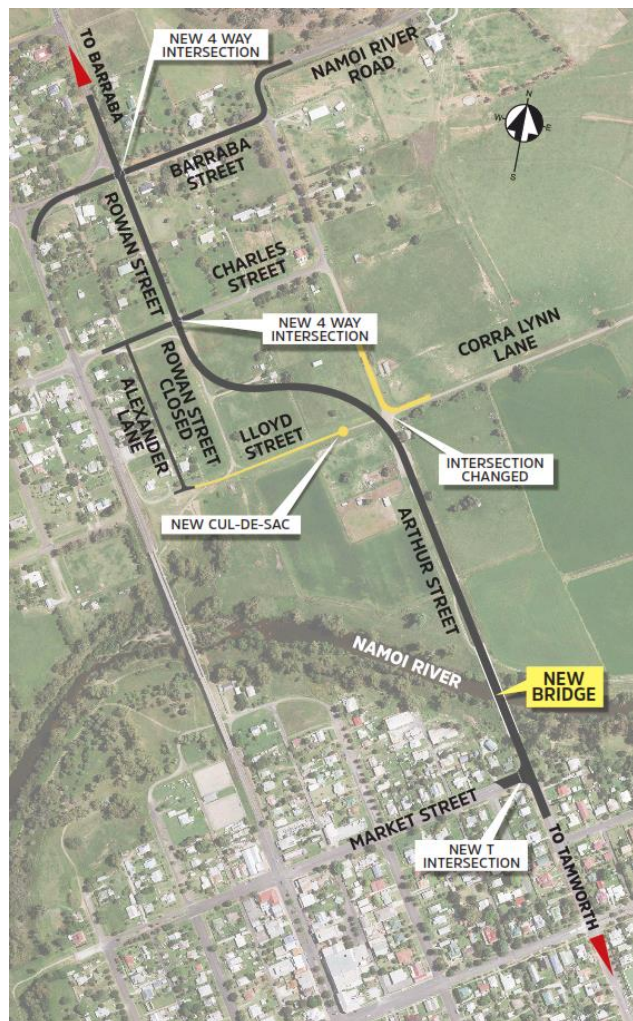


Figure 1: Bridge location

Following confirmation of project funding, Transport for New South Wales (TfNSW) expressed an interest in being a project partner. A subsequent Memorandum of Understanding (MOU) was established between Council and TfNSW with the intent that the new road and bridge are to become the new alignment for MR63. The gazettal of the road as MR63 is subject to Council agreeing to the road becoming a State asset, a review of their State Road network and agreement by TfNSW. Once the new road is gazetted as the MR63

alignment, TfNSW would become the asset owner for the entirety of the new road and bridge.

As well as the alignment of MR63 changing, some other existing roads will need to be reclassified to either Local Roads or Regional Roads. The roads that will require a reclassification are shown on the plan that is **ATTACHED**, refer **ANNEXURE 1**.

The sections of road requiring reclassification can be described as follows:

- new route for MR63 (shown red on the annexure) will become a State Road;
- extension of Main Road 357 (MR357) via Charles Street (shown green on the annexure) will become a Regional Road and connect MR357 onto MR63;
- extension of Regional Road 7711 (RR7711) via Market Street (shown green on the annexure) will become a Regional Road and connect RR7711 onto MR63; and
- existing MR63 road between Market Street and Barraba Street will become a Local Road.

The existing bridge over the Namoi River is on the state heritage register pursuant to Section 170 of the Heritage Act 1977 and, as such, will remain a TfNSW asset. This was formalised in the MOU between Council and TfNSW for the Namoi River Crossing Project. It is anticipated that TfNSW will impose a load limit on the existing bridge to prolong the life of the structure, and it will continue in operation to service local traffic, cyclists and pedestrians.

The roads that will become extensions of MR357 and RR7711 will become entitled to receive ongoing Regional Road grants for maintenance and specific works in accordance with State wide funding arrangements.

During the project, agreement was reached that as part of the reclassification of the old MR63 to Local Road status to ensure Council will not be adversely financially impacted by adopting the reclassification. Prior to this reclassification occurring, TfNSW and Council staff would undertake a joint inspection and develop a 10 year maintenance program for these roads. TfNSW would provide compensation for the equivalent amount of the next 10 years of maintenance, so as Council are not disadvantaged through the acquisition of the asset.

(a) Policy Implications

Nil

(b) Financial Implications

The newly constructed Manilla Bridge and associated roadworks will become State assets and will not appear on Council's asset management strategy.

The roads that will become extensions of MR357 and RR7711 will become entitled to receive ongoing Regional Road grants for maintenance and specific works in accordance with State wide funding arrangements.

Compensation will be paid to Council for the acquisition of the old section of MR63. The compensation will be equivalent to the next 10 years of maintenance for those assets.

(c) Legal Implications

Nil

(d) Community Consultation

Extensive community consultation was carried out as part of the design development and construction of the new bridge and associated roadworks.

(e) Delivery Program Objective/Strategy

Focus Area 5 – Connect our region and its citizens

8.2 PROPOSED NSW TOUCH ASSOCIATION JUNIOR STATE CUP NORTHERN CONFERENCE FEE WAIVER REQUEST

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

Blake Mammarella, Sports Venue - Program Officer

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Proposed NSW Touch Association Junior State Cup Northern Conference Fee Waiver Request”, Council approve a complete fee waiver for all fees associated with the proposed event.

SUMMARY

The NSW Touch Junior State Cup Northern Conference, is a representative event conducted annually in late February. NSW Touch have expressed their interest to host the event in Tamworth in 2023. It has been estimated that the event will attract over 5,000 players, coaches, officials and spectators, totalling approximately 75 member associations from across the state.

Given the economic benefit to the broader community, and the opportunity to showcase Tamworth’s high quality sporting facilities, NSW Touch has requested Council support a fee waiver for this event.

COMMENTARY

The Junior State Cup Northern Conference is a representative event that takes place annually for three days in February. The event includes participants from Sydney Metropolitan, Western NSW, North West NSW, Central Coast, Hunter, mid North Coast and North Coast regions. The event attracts around 250 teams with age groups consisting of under 10s – under 18s and also provides competitors with an opportunity to play at the State Final Cup.

Port Macquarie Hastings Council has hosted the event for the previous four years, however due to weather impacts, the venue is no longer suitable. NSW Touch have expressed their interest to host the event in Tamworth at the Plain Street and Riverside Sporting Complexes, see **ENCLOSED**, refer **CONFIDENTIAL ENCLOSURE 1**. By providing these facilities, Tamworth Regional Council (Council) and the broader community can showcase Tamworth’s ability to host large scale sporting events to a large number of visitors.

NSW Touch have advised that they would expect similar participation rates to previous years; with over 5,000 participants and spectators. Based on sport tourism industry standards, this event would bring a total economic benefit to the region of \$3.4 million as displayed in Figure 1 below.

Event Impact Summary export			
Tamworth Regional Council - Modelling the effect of \$2,280,000 from a Sports and Recreation Activities event with State significance			
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	1,824,000	814,082	16.2
Industrial impact	959,301	409,204	3.7
Consumption impact	694,395	292,887	3.0
Total impact on Tamworth Regional Council economy	3,477,696	1,516,173	23

Source: National Institute of Economic and Industry Research (NIEIR) ©2021. Compiled and presented in economyid by id (informed decisions).

Figure 1 – Event Impact Summary

The cost of hiring and preparing fields and/or facilities for this event is yet to be determined, as NSW Touch are yet to book the facility.

This request is in line with Council’s Sport Event Subsidisation Policy (SESP). It is therefore recommended that Council support this fee waiver request due to the economic benefit it brings to the Tamworth community, the opportunity to showcase Tamworth’s ability to host major sporting events and to promote participation in grass roots sport.

(a) Policy Implications

Nil

(b) Financial Implications

The Sport and Recreation division has an annual budget allocation for events subsidised under the SESP. It is proposed that the field and facility hire fees will be deducted from this budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment.

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - JUNE 2022 – FILE NO

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2021/2022 Budget Variation Report – June 2022”, Council note and approve the variations to the existing budget as listed in the ANNEXURE attached to the report.

SUMMARY

This report seeks Council approval for budget variations identified during the month of June 2022, for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2021/2022 at the Ordinary Meeting of Council held 29 June 2021. Any changes to the budget must be approved by Council at a later Ordinary Meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Notable budget adjustments for the month of June include the recognition of a \$52k improvement in the Pilot Training Facility Reserves due to lower than anticipated expenditure and a capital contribution for accommodation amenities. There was also the receipt of an \$80k grant for the NSW Planning Portal which has been implemented as part of the State Governments planning reforms. Also of note was additional funding of \$124k for Goddard Lane, this was funded from civil work profits.

Variations identified June 2022

Description	Budget Variation	Operating Income	Operating Expenses	Capital Income	Capital Expenses
Pilot Training Facility	(51,557)	0	(27,012)	(24,545)	0
Cultural Services	0	(15,019)	15,019	0	0
Development	0	(80,000)	80,000	0	0
Integrated Planning	2,331	(3,922)	3,922	(5,739)	8,070
Plant, Fleet & Buildings	2,500	0	0	0	2,500
Sports & Recreation Services	15,764	0	10,409	(16,280)	21,635
Infrastructure & Projects	205,283	0	8,023	0	197,260
TOTAL	174,321	(98,941)	90,361	(46,564)	229,465

Material differences between budget and actual income or expenditure

No material change to aggregate income and expenditure figures for this period.

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2021/2022 by fund of:

Fund	Operating Income	Operating Expenses	Capital Income	Capital Expenses
General	(98,941)	90,361	(46,564)	229,465
Water	0	0	0	0
Sewer	0	0	0	0
Total	(98,941)	90,361	(46,564)	229,465

(c) Legal Implications

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.2 COUNCIL INVESTMENTS JUNE 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tiffany Pugh (nee Newman), Rates Accountant
 Sherrill Young, Finance Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments June 2022”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of June 2022.

COMMENTARY

The Reserve Bank in its media release dated 7 June 2022, announced a 50 basis point increase in the cash rate. Growth within the Australian economy has been strong with record low levels of unemployment. Unfortunately, the Reserve Bank is predicting that inflation will increase further, the downside of this is normally increased unemployment. The Reserve Bank expects the increase in the cash rate to assist with the curbing of inflation over time, with further action expected by the board in the months ahead to normalise monetary conditions.

In accordance with Section 212 of the *Local Government (General) Regulation 2021*, the details of all money invested by Council as at 30 June 2022, is **ATTACHED**, refer **ANNEXURE 1**.

The following table provides a summary of the types of investments held and the institution they are held with:

Institution	Cash at Bank	Financial Assets Amortised Cost	Financial Assets at Fair Value	Total	% of Total
NAB	11,633,250.69	46,000,000.00	0.00	57,633,250.69	28.31%
BOQ	0.00	19,000,000.00	0.00	19,000,000.00	9.33%
CBA	0.00	60,500,000.00	0.00	60,500,000.00	29.71%
St George	0.00	4,000,000.00	0.00	4,000,000.00	1.96%
Westpac	0.00	57,469,005.67	0.00	57,469,005.67	28.23%
Suncorp	0.00	5,000,000.00	0.00	5,000,000.00	2.46%
TOTAL	11,633,250.69	191,969,005.67	0.00	203,602,256.36	100%

The amount invested at 30 June 2022, has decreased by \$7,547,725.60 (3.57%) compared to funds held at 31 May 2022.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides an indicative summary of investments held by each fund. The figures provided are based on Opening Balances from the last completed and audited financial year. The figures provide a guide on the proportion of total cash that is restricted in use.

Fund	Restriction	Amount	%
General	Unrestricted	6,182,608	3.04%
General	Internally Restricted	70,268,815	34.51%
General	Externally Restricted	21,122,736	10.37%
	General Fund Total	97,574,159	47.92%
Water	Unrestricted	2,007,640	0.99%
Water	Internally Restricted	21,873,921	10.74%
Water	Externally Restricted	20,439,287	10.04%
	Water Fund Total	44,320,848	21.77%
Sewer	Unrestricted	2,215,411	1.09%
Sewer	Internally Restricted	43,325,011	21.28%
Sewer	Externally Restricted	16,166,826	7.94%
	Sewer Fund Total	61,707,248	30.31%
	Total Investments	203,602,255	100.00%

Moneys received for each fund can only be used within that fund. An explanation for each category of restriction is described below:

Unrestricted

These are funds required to meet short term cash flow requirements and contingencies to maintain solvency.

Internally Restricted

Funds set aside for future commitments mostly relate to asset renewals, remediation works, or leave provisions. For General Fund, this includes self-funding activities such as the Airport, Waste Management and Fleet operations.

Externally Restricted

Funds provided for specific purposes such as developer contributions, grants and loans.

The use of restricted funds is largely controlled by 10-20 year Asset Management Plans which are included in the Resourcing Strategy of Council's Community Strategic Plan.

(a) Policy Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy.

(b) Financial Implications

Increases in the cash rate should if passed on by financial institutions result in an increase in interest income.

(c) Legal Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy, which accords with the requirements of:

- *Local Government Act 1993 – Section 625;*
- *Local Government Act 1993 – Order (of Minister) dated 16 November 2000;*
- *The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;*
- *Local Government (General) Regulation 2021 – Clauses 212 and 215; and*
- *Local Government Code of Accounting Practice & Financial Reporting – Update No 15 dated June 2007.*

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership.

9.3 LOCAL GOVERNMENT NSW 2022 CONFERENCE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tracey Carr, Coordinator Governance and Executive Services
1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Local Government NSW 2022 Conference”, Council:

- determine issues that are important to Tamworth regional Council for motions to be drafted and request a further report to be prepared for approval;*
- authorise the Mayor, Deputy Mayor and two Councillors to attend the 2022 Local Government NSW Conference as Voting Delegates together with the General Manager; and*
- nominate other interested Councillors to attend the Conference as observers in accordance with Council’s Policy for the attendance of observers.*

SUMMARY

This purpose of this report is to determine Council motions to submit to Local Government NSW for the State Conference and to nominate Councillor delegates to attend the Annual Conference on the 23-25 October 2022, at the Crowne Plaza, Hunter Valley.

COMMENTARY

The 2022 Local Government NSW Annual Conference will be held at the Crowne Plaza, Hunter Valley from Sunday 23, to Tuesday 25 October 2022.

Proposed motions should be strategic, affect members state-wide and introduce now or emerging policy issues and actions, the Motions Submission Guide is **ATTACHED**, refer **ANNEXURE 1**, for reference. Members are encouraged to review the Action Reports from previous conferences before submitting motions for the 2022 Conference. Action reports from previous conferences are available on the Annual Conference page for each year on the LGNSW website. Motions are due by Monday 29 August 2022.

Tamworth Regional Council has been allocated four Voting Delegates, with additional Councillors to attend as observers. Each member must nominate its delegate(s) to the

Conference by Monday, 10 October 2022. The Conference offers an early bird discount for registrations completed prior to Wednesday 17 August 2022.

(a) Policy Implications

Councillor(s) are authorised to attend the Local Government NSW Annual Conference in accordance with Council's policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

(b) Financial Implications

Councillors have been allocated the sum of \$2,000 annually to specifically provide for attendance at the Local Government NSW Annual Conference. Authorisation of the attendance of Councillors is by way of a resolution of the Council.

Costs associated with the attendance of Tamworth Regional Council staff at the Conference would be funded from their respective budgets.

(c) Legal Implications

Council's formal resolution for the attendance of any Delegate is required for insurance purposes whilst the Representatives are performing bona fide Council duties.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus area 9: Open and Collaborative Leadership – Build strategic partnerships and advocate to other levels of government to ensure our community needs are met and concerns heard.

9.4 PROPOSED SALE OF LAND FOR UNPAID RATES AND CHARGES

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tiffany Pugh (nee Newman), Rates Accountant

1 ANNEXURES ATTACHED

1 CONFIDENTIAL ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Proposed Sale of Land for Unpaid Rates and Charges”, Council:

- (i) resolve to sell the properties listed in Confidential Enclosure 1 at auction, to recover outstanding rates and charges in accordance with Chapter 17, Part 2, Division 5 of the Local Government Act 1993; and;*
- (ii) determine that an arrangement satisfactory to Council to avoid the proposed sale will require 50% of the total overdue amount of rates and charges (including extra charges) to be paid in full prior to the date fixed for sale, and a satisfactory payment arrangement entered into to clear the arrears.*

SUMMARY

The purpose of this report is to obtain Council approval to undertake legal action by way of sale of land for unpaid rates to further progress the recovery of outstanding rates and charges to the value of \$706,779.32 under the provisions of Sections 713 to 726 of the *Local Government Act 1993*, (the Act).

COMMENTARY

Council levies various rates, annual and usage charges on chargeable properties under Chapter 15 of the *Local Government Act 1993* (the Act), by way of annual notices and periodic usage bills. These levies, if not paid by due dates, become debts attached to the property and can be recovered by normal legal processes; if unpaid these debts must be settled when ownership is transferred, from sale proceeds. Sections 713 to 726 of the Act provide for the sale of property by Council for the recovery of outstanding rates and charges where any rate or charge has remained unpaid for more than five years from the date on which it became payable.

Council has not taken this action for several years following a directive from the Office of Local Government not to undertake any debt recovery processes, in particular the last few years where COVID disrupted the lives and livelihoods of members of the community. The Council has implemented sound recovery procedures and given property owners numerous opportunities to make and adhere to mutually agreeable payment arrangements. Still a significant number of properties have now become eligible.

It is recommended that Council sell the properties in the attached list by public auction to recover the outstanding rates and charges attached to each property; this recommendation is in accordance with the provisions of the Act contained within Chapter 17, Part 2, Division 5. It is intended that Council will consider such action where required on an annual basis in future years.

Following adoption of this report, the following legal requirements are to be completed in preparation for the proposed sale in accordance with the above provisions:

- a) completion of the General Managers Certificate detailing what rates and charges (including overdue rates and charges) are payable on the land;

- b) obtain copies of Certificate of Title Searches, Deposits of Plan etc. for each property;
- c) notify land holder(s) and interested parties of Council's intention to sell the property;
- d) appointment of a Real Estate Agent(s) to promote the sale and complete the auction process;
- e) appointment of a solicitor to prepare contract for sale of property and general legal advice relation to sale;
- f) obtain a Section 149 Certificate and drainage diagram (where applicable) for each property; and
- g) obtain valuations from an independent Registered Valuer.

Council will also be required to:

- a) give notice of the proposed sale by means of an advertisement published in the Gazette and in at least one newspaper;
- b) fix a convenient time (being not more than six months and not less than three months from the above advertisement) and a convenient place for the sale; and
- c) take reasonable steps to identify and notify any person with an interest in the land, of Council's intention to sell the land.

Locations and dates for the public auctions will be advised to Council once discussions have been had with appointed real estate agents and solicitors.

If, before the time fixed for the sale:

- a) all rates and charges payable (including overdue rates and charges) are paid to Council; or
- b) an arrangement satisfactory to Council for payment of all rates and charges is entered into by the rateable person(s),

then Council must not proceed with the sale.

In regard to what would amount to a satisfactory arrangement it is recommended that this be a significant and genuine commitment as follows:

- a) payment of at least 50% of the total amount overdue prior to the date of sale;
- b) commitment to an arrangement that liquidates the remaining overdue balance; and
- c) commitment to an arrangement that liquidates levies for 2022-23 by instalment dates.

Council is required to take into account the relocation of people who may be residents of these properties. This will be taken into account as Council goes through the various steps to organise the sale.

Section 716 of the Act, indicates any sale of land under the sale of land process for unpaid rates, must be by way of public auction. Land that fails to sell at public auction may be sold by private treaty. Land may be sold under Division 5 Sale of Land for Unpaid Rates and Charges to Council, a Councillor, a relative of a Councillor, a member of staff of Council or any relative of a member of staff of Council in the case of sale by public auction, but may not be so sold in the case of sale by private treaty.

A summary of information on the Sale of Land for Unpaid Rates and Charges please refer to annexure 1.

The enclosed property listing is current as at 12 July 2022.

(a) Policy Implications

The application of this provision of the act is included as an option where appropriate in Council's Debt Recovery Policy.

(b) Financial Implications

All proceeds of sale are paid to Council and in accordance with Section 718 are discharged in the following order:

- 1) the expenses of the Council incurred in connection with the sale; and
- 2) any rate or charge in respect of the land due to Council, or any other rating authority, and any debt in respect of the land (being a debt of which Council has notice) due to the Crown as a consequence of the sale on an equal footing.

Should insufficient funds be recovered to satisfy all rates, charges and debts, then a pro-rata of funds to debts occurs with all debt balances then deemed as satisfied and written off.

Surplus funds are held within Council's Trust Fund pending discharge to persons having interests in the estates or where no claim is forthcoming remittance to the State Government in accordance with the *Unclaimed Money Act 1995*.

(c) Legal Implications

Council must ensure that all provisions of Sections 713 – 726 of the *Local Government Act 1993* are complied with.

(d) Community Consultation

No community consultation is required for this resolution. Following the resolution, Council must give notice of the proposed sale by means of an advertisement published in the Government Gazette and in at least one newspaper, and take reasonable steps to identify and notify any person who has an interest in the land.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and Collaborative Leadership – T.01 Conduct the business of Council with transparency and accountability.

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

TAMWORTH GLOBAL GATEWAY PARK - PRECINCT BIODIVERSITY ASSESSMENT AND STAGE 8 DESIGN FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 8.1 to Ordinary Council 26 October 2021 – Minute No 306/21

1 ENCLOSURES ENCLOSED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d)i of the local Government Act 1993 on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this report is to seek Council's approval to fund additional species surveys associated with the precinct biodiversity assessment and to fund detailed design of Stage 8 associated with the Tamworth Global Gateway Park.

MOONBI GAP ROAD, MOONBI - LAND ACQUISITION FOR ROAD REALIGNMENT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
3 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

SUMMARY

The purpose of this report is to seek Council's authorisation for the proposed acquisition of land for the purposes of road widening on Moonbi Gap Road and to authorise Council's acceptance of the land to be dedicated as a road.

PROPOSED LEASE AGREEMENT FOR NDL BUILDING

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Rami Abu-Shaqra, Chief Financial Officer

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

SUMMARY

Due to heating and cooling issues at Ray Walsh House (RWH), Council has commenced the relocation of all staff to other venues. The new offices are envisaged to be needed for a period of 3 years until RWH is remediated. The Executive Management Team and the project team have kept the following overarching objectives in mind whilst looking at potential venues for the staff relocation:

- staff to be still located in the CBD where possible;
- to utilise Council's own building and premises to the extent possible, without jeopardising community needs before exploring commercial spaces; and
- negotiate better value from different locations and premises keeping long term benefits in mind.

So far Council has been successful in identifying the following Council's owned premises to accommodate staff as follows:

- Parry House: Water and Waste, Finance, People and Culture;
- 474 Peel Street: Liveable Communities, Customer Services, Growth and Prosperity;
- Lands building: Council Meetings; and
- other locations: Depot (Flynn Street), Sports Dome and Forest Rd.

For the relocation of the offices of the Mayor and Councillors, General Manager and Executive Management Team and remaining staff, the Council has sought multiple offers from owners of different commercial premises.

This report seeks Council's authorisation to enter into an agreement with the owners of the NDL building for the purpose of leasing level 2, suite2 of level 3 and level 4 of NDL building on Brisbane Street, Tamworth, with the proposed lease terms detailed in the body of the report.

The NDL building is planned to accommodate the following directorates and staff:

- level 2: Regional Services;
- level 3: Communications and Strategy and Performance; and
- level 4: Mayor, General Manager and Directors' offices.

**TENDER T002/2023 - SUPPLY AND DELIVERY OF REINFORCED CONCRETE BOX
CULVERT UNITS FOR JEWRY STREET EXTENSION**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 8.4 to Ordinary Council 14 June 2022 - Minutes No 161/22
1 ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c),(d)i&(d)ii of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business., commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

SUMMARY

The purpose of this report is to seek Council's acceptance of tender T002/2023 to award a schedule of rates contract for the supply and delivery of reinforced concrete box culvert units associated with the Jewry Street Extension project.